

Attorney Docket No. A049 US

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

TECH CENTER 1600/2900

RECEIVED

JUL 23 2002

Applicant(s) : Jurg Tschopp

Application No. : 09/520,489 Confirmation No. : 1565

Filed : March 8, 2000

For : APRIL- A NOVEL PROTEIN WITH GROWTH
EFFECTS

Group Art Unit : 1642

Examiner : Karen Canella

New York, New York 10020
July 15, 2002

Hon. Commissioner for Patents
Washington, D.C. 20231

NOTICE OF APPEAL

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed January 15, 2002 in which the rejection of claims 36, 37, and 39-49 was made final.

[] Applicant(s) respectfully requests an oral hearing before the Board of Appeals. The appropriate fee is submitted herewith.

[x] An additional three-month extension of time to respond to the final rejection is requested and the appropriate extension fee is submitted herewith.

07/22/2002 AWONDAF1 00000115 09520489

01 FC:119

320.00 OP

EI125455840US

Address all correspondence to:

James F. Haley, Jr.
FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000

A check in the amount of \$320.00 \$600.00 in payment of the appeal fee, appeal and oral hearing fees, is enclosed.

Please charge \$320.00 \$600.00 to Deposit Account No. 06-1075 in payment of the appeal fee; appeal and oral hearing fees. A duplicate copy of this Notice of Appeal form is enclosed.

The Director is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

EXTENSION FEE

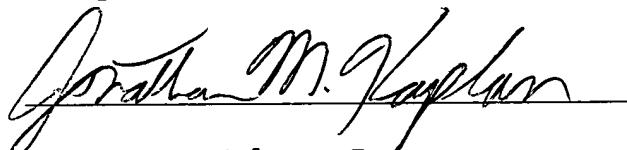
The following extension fee is applicable to the Notice of Appeal filed herewith; \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); \$400.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); \$920.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); \$1,440.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$1,960.00 extension fee for fifth month pursuant to 37 C.F.R. 1.136(a).

A check in the amount of \$110.00; \$400.00; \$920.00; \$1,440.00; \$1,960.00; \$520.00, which represents the difference between the extension fee for response within the third month and the extension fee for response within the second month (\$920-\$400=\$520) which was paid with the Amendment and Reply filed on June 13, 2002, in payment of the extension fee is transmitted herewith.

Please charge the [] \$110.00; [] \$400.00; [] \$920.00; [] \$1,440.00; [] \$1,960.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

The Director is hereby authorized to charge payment of any additional fee required under 37 C.F.R. § 1.17, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

Respectfully submitted,



James F. Haley, Jr.
Reg. No. 27,794
Jonathan M. Kaplan
Reg. No. 46,819
Attorneys for Applicant

FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000
Fax: (212) 596-9090